Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-51 are pending in the application, with claims 1, 44, and 51 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Applicants thank the Examiner for the courtesies extended during the telephone interview with Applicants' representatives on February 1, 2006. Examiner Ha requested that Applicants formally present their arguments in a Reply. As such, Applicants present the following remarks.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1 and 39 under 35 U.S.C. § 102(b) as being anticipated by Hemphill *et al.* (U.S. Patent No. 6,197,184) (Office Action, page 2). Applicants respectfully traverse this rejection.

Applicants' claim 1 recites the step of anodizing an anodic foil. The Examiner argues that column 12, lines 33-34 of Hemphill *et al.* disclose anodizing a foil (Office Action, page 2). However, the Examiner later indicates that Hemphill *et al.* "lack the step of anodizing the foil" (Office Action, page 3). Applicants agree with the Examiner's later contention, that Hemphill *et al.* does not teach anodizing the foil. Column 12, lines 33-34 of Hemphill *et al.* is part of a claim to a method of producing an anodic foil comprising the steps of hydrating the foil, dipping the foil into a bath of an organic acid composition, forming an oxide layer on the foil, and applying an oxide dissolving acid composition to the oxide layer. The step of anodizing the foil is not disclosed.

Further, in Applicants' Reply filed on September 26, 2005, Applicants amended claim 1 to specify that the step of anodizing the foil is performed prior to the step of hydrating the foil. The Examiner did not address this specific amendment in the most recent Office Action. Hemphill *et al.* does not teach or suggest anodizing the foil prior to hydrating the foil.

Thus, Applicants respectfully submit that Hemphill *et al.* does not teach each and every feature of claim 1, and therefore does not anticipate claim 1. Claim 39 depends directly from claim 1 and is patentable over Hemphill *et al.* for at least the above-stated reasons. Therefore, Applicants respectfully submit that claims 1 and 39 are patentable and respectfully request that the rejection of claims 1 and 39 under U.S.C. § 102(b) be withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1, 8-9 and 17-43 under 35 U.S.C. § 103(a) as being unpatentable over Hemphill *et al.* (U.S. Patent No. 6,197,184) in view of Melody *et al.* (U.S. Patent No. 6,409,905) (Office Action, page 3). Applicants respectfully traverse this rejection.

The Examiner argues that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to use step of anodizing the foil of Melody *et al.* in Hemphill *et al.*, in order to increase the surface area and increase the capacitance for the anodic foil" (Office Action, page 3). Applicants respectfully disagree. As with Evans, II *et al.* (U.S. Patent No. 5,124,022), which the Examiner cited

in the previous Office Action, Melody *et al.* fails to remedy the deficiencies of Hemphill *et al.*

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP § 2143. Applicants respectfully submit that the Examiner has not established a motivation to combine Hemphill *et al.* and Melody *et al.* to obviate the claimed invention.

The Examiner admits that Hemphill *et al.* does not teach or suggest the step of anodizing a foil as claimed in the present invention.

Melody *et al.* discloses a process of anodizing a foil in an electrolyte solution containing glycerine, one or more orthophosphate salts, and a variable amount of water to produce anodic oxide with *high hydration resistance* (col. 6, lines 29-48). The focus on high hydration resistance in Melody *et al.* teaches away from the use of the anodizing step disclosed therein with a hydration step as disclosed in Hemphill *et al.*

In Applicants' Reply filed on September 26, 2005, Applicants amended claim 1 to specify that the step of anodizing the foil is performed prior to the step of hydrating the foil. Melody *et al.* teaches away from claim 1. Melody *et al.* discloses that the step of anodizing forms anodic oxide with *high hydration resistance* on the anodic foil (col. 6, lines 44-45). Because the anodic oxide resulting from the anodizing step in Melody *et al.* is resistant to hydration, one of ordinary skill in the art would be discouraged from hydrating the foil *after* the anodizing step. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Hemphill *et al.* and Melody *et al.* to obtain

the claimed invention. Therefore, Applicants respectfully submit that claim 1 is patentable and respectfully request that the rejection of claim 1 under 35 U.S.C. § 103(a) over Hemphill *et al.* in view of Melody *et al.* be withdrawn.

Claims 8-9 and 17-43 depend either directly or indirectly from claim 1 and are patentable over the cited art for at least the above-stated reasons. Therefore, Applicants respectfully submit that the rejection of claims 8-9 and 17-43 under U.S.C. § 103(a) over Hemphill *et al.* in view of Melody *et al.* should be withdrawn.

Allowable Subject Matter

The Examiner has indicated that claims 2-7 and 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form (Office Action, page 6). Claims 2-7 and 10-16 depend either directly or indirectly from claim 1. For at least the reasons stated above, Applicants respectfully submit that the rejection of claim 1 has been overcome and therefore, claims 2-7 and 10-16 should be in condition for allowance without further amendment.

Claims 44-51 have been allowed.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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